

**CHAPTER 71-08-02**  
**MEMBERSHIP IN DEFINED CONTRIBUTION RETIREMENT PLAN**

Section

71-08-02-01

Membership of Individuals Who Become Employees Covered Under the Judges' Retirement Plan, the Highway Patrol Retirement Plan, the Law Enforcement Plan, the Teachers' Fund for Retirement Plan, or the Alternate Retirement Plan of the State Board of Higher Education

71-08-02-02

Continuation of Membership

**71-08-02-01. Membership of individuals who become employees covered under the judges' retirement plan, the highway patrol retirement plan, the law enforcement plan, the teachers' fund for retirement plan, or the alternate retirement plan of the state board of higher education.** If a member of the defined contribution retirement plan begins employment in a position covered under the judges' retirement plan, the highway patrol retirement plan, the law enforcement plan, the teachers' fund for retirement plan, or the alternate retirement plan of the state board of higher education, the member's status as a member of the defined contribution retirement plan is suspended and the member becomes a new member of the retirement plan for which that member's new position is eligible. The member's account balance remains in the defined contribution retirement plan, but no new contributions may be made to that account. The member's service credit and salary history that were forfeited as a result of the member's transfer to the defined contribution retirement plan remain forfeited, and service credit accumulation in the new retirement plan begins from the first day of employment in the new position. If the member later returns to employment that is eligible for the defined contribution plan, the member's suspension is terminated, the member again becomes a member of the defined contribution plan, and the member's account shall resume accepting contributions. The contributions to the alternate retirement plan shall remain with that plan unless at the member's option, the member elects to transfer any available balance as determined by the provisions of the alternate retirement plan into the member's account in the defined contribution retirement plan.

**History:** Effective July 1, 2000; amended effective April 1, 2002; July 1, 2006.

**General Authority:** NDCC 28-32-02(1)

**Law Implemented:** NDCC 54-52.6-01(3)

**71-08-02-02. Continuation of membership.** Other than as provided in section 71-08-02-01, a former participating member of the defined contribution retirement plan who returns to state employment following a previous termination or retirement continues to be a member of the defined contribution retirement plan even if the member took one of the distributions allowed by North Dakota Century Code section 54-52.6-13.

**History:** Effective July 1, 2000.

**General Authority:** NDCC 28-32-02(1)

**Law Implemented:** NDCC 54-52.6-02